

MAINE STATE LEGISLATURE

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L A W S

OF THE

S T A T E O F M A I N E ;

TO WHICH ARE PREFIXED

THE

C O N S T I T U T I O N O F T H E U . S T A T E S

AND OF SAID STATE,

IN TWO VOLUMES,

W I T H A N A P P E N D I X .

.....
VOL. II.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....
1821.

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

VOLUME THE SECOND.

<i>Page.</i>		<i>Page.</i>
463	Line 7 of page, dele the word <i>whole</i>	663 S. 2 L. 6 of S. dele <i>of</i>
464	Sec. 8 L. 12 of Sec. for <i>towns</i> read <i>town</i>	666 5 2 after the word <i>Governor</i> insert, and <i>Council</i>
484	27 6 at the end of the line insert the word <i>that</i>	666 5 last for <i>his</i> read <i>the</i>
492	43 11 after the word <i>owing</i> insert to	667 L. 3 of the page, dele <i>who</i>
496	47 25 for <i>duty</i> read <i>body</i>	668 S. 10 L. 1 of S. for <i>where</i> read <i>when</i>
500	54 3 at the end of the line dele <i>the</i>	669 L. 3 of p. for <i>effect</i> read <i>affect</i>
506	7 6 after the word or dele to	670 S. 5 L. 7 of S. for <i>the</i> read <i>such</i>
515 L.	28 of p. for <i>highway</i> read <i>highways</i>	671 L. 2 of p. for <i>in</i> read <i>on</i>
517 S. 16 L. 11 of S.	after the word <i>be</i> insert <i>the</i>	672 S. 9 L. 3 of S. for <i>make</i> read <i>mark</i>
518	18 9 for <i>of</i> read <i>or</i>	672 11 2 for <i>and</i> read <i>or</i>
520	23 11 before the word <i>proprietors</i> insert <i>the</i>	672 11 8 before the word <i>each</i> insert <i>for</i>
523 L. 6 of p.	after the word <i>person</i> insert <i>of</i>	674 2 7 before the word <i>drying</i> insert <i>the</i>
523	last for <i>cannot</i> read <i>can</i>	676 L. 5 of p. for <i>not</i> read <i>none</i>
526	9 for <i>laws</i> read <i>law</i>	677 4 for <i>quality</i> read <i>quantity</i>
533	16 for <i>assessments</i> read <i>assessment</i>	681 Sec. 4 last line of Sec. after the word <i>owner</i> insert <i>or owners</i>
534	13 for <i>appears</i> read <i>appear</i>	682 Sec. 5 L. 2 of Sec. dele <i>away</i>
535	4 at the end of the line insert <i>of</i>	684 2 3 for <i>galo</i> read <i>golo</i>
535	3 from bottom of p. for <i>causes</i> read <i>cause</i>	686 4 2 for <i>on</i> read <i>or</i>
537 S. 12 L. 2 of S.	for <i>in</i> read <i>of</i>	687 3 6 before the word <i>stamped</i> insert <i>not</i>
539 L. 11 of p.	between the words <i>the</i> and <i>day</i> should be a '—'	688 L. 24 of p. before the word <i>arms</i> at the beginning of the line insert <i>the</i>
539	15 for <i>where</i> read <i>wherein</i>	694 L. 15 of p. after the word <i>shall</i> insert <i>also</i>
543 S. 18 L. 13 of S.	dele <i>the</i> before the word <i>said</i>	694 16 after the word <i>of</i> insert <i>the</i>
545	21 7 for <i>and</i> read <i>or</i>	695 12 for <i>usage</i> read <i>usages</i>
546	1 6 for <i>this</i> read <i>thus</i>	716 8 for <i>fixed</i> read <i>affixed</i>
547	2 7 for <i>this</i> read <i>thus</i>	723 6 from bottom of p. dele <i>in</i>
547	2 11 for <i>in capacity</i> read <i>incapacity</i>	734 Sec. 51 L. 4 of Sec. before the word <i>auditing</i> insert <i>the</i>
553 L. 2 of p.	at the end of the line insert <i>such</i>	742 L. 4 of p. after the word <i>orders</i> insert <i>to be</i>
556 S. 1 L. 18 of p.	for <i>master</i> read <i>masters</i>	744 L. 3 from bottom of p. before the word <i>refuse</i> insert <i>shall</i>
557 L. 16 of p.	for <i>in</i> read <i>of</i>	745 Sec. 1 L. 6 of Sec. before the word <i>good</i> insert <i>six</i>
560 S. 7 L. 4 of S.	for <i>Court of Sessions</i> read <i>Courts of Sessions</i>	746 2 15 before the word <i>advice</i> dele <i>the</i>
566	1 7 for <i>every</i> read <i>any</i>	751 5 11 for <i>owners</i> read <i>owner</i>
570	9 5 after the word <i>them</i> insert <i>as</i>	751 5 15 for <i>taking</i> read <i>taken</i>
572	12 5 after the word <i>fine</i> insert <i>of</i>	751 5 25 for <i>owners</i> read <i>owner</i>
573	1 3 for <i>and</i> read <i>or</i>	753 8 23 for <i>spurs</i> read <i>spar</i>
576 L. 18 of p.	for <i>pounds</i> read <i>ounces</i>	754 10 3 after the word <i>or</i> insert <i>any</i>
576	last line of the page dele <i>and</i>	758 L. 2 of p. for <i>sales</i> read <i>sale</i>
591 S. 5 L. 2 of S.	before the word <i>action</i> insert <i>an</i>	759 24 for <i>minor</i> read <i>minors</i>
592	3 3 for <i>time</i> read <i>times</i>	761 19 for <i>another</i> read <i>any other</i>
601 L. 11 of p.	at the end of the line insert <i>drawn</i>	761 last dele <i>other</i>
	After p. 604 read p. '605' instead of '506'	762 22 before the word <i>fish</i> insert <i>any</i>
604 S. 12 L. 2 of S.	after the word <i>passing</i> insert <i>on</i>	766 6 after the word <i>notice</i> insert <i>is</i>
606	for Sec. 14 read Sec. 16	766 Sec. 5 L. 6 of Sec. for <i>damages</i> read <i>damage</i>
608 S. 22 L. 5 of S.	for <i>monies</i> read <i>money</i>	769 4 14 dele <i>to the</i>
610	3 18 dele <i>any</i>	772 first word of the p. for <i>damage</i> read <i>damages</i>
614	4 4 for <i>funnel</i> read <i>fund</i>	774 Sec. 2 L. 7 of Sec. for <i>and</i> read <i>or</i>
617 L. 5 of the page	dele <i>a</i>	774 2 14 for <i>any</i> read <i>every</i>
617 S. 1 L. 6 of S.	for <i>purpose</i> read <i>purposes</i>	775 1 3 for <i>paasing</i> read <i>passing</i>
621	1 9 for <i>such</i> read <i>said</i>	777 L. 17 of p. for <i>these</i> read <i>their</i>
622	3 16 for <i>or</i> read <i>on</i>	780 14 for <i>ninth</i> read <i>twenty ninth</i>
624	2 12 after the word <i>returns</i> insert <i>as</i>	780 35 for <i>sixteenth</i> read <i>seventeenth</i>
626	3 6 before the word <i>Cashier</i> insert <i>the</i>	788 25 for <i>eight</i> read <i>eighth</i>
631	4 3 before the end of the S. for <i>course</i> read <i>course</i>	790 28 after the word <i>Act</i> insert <i>providing</i>
634	16 5 of S. for <i>inspected</i> read <i>uninspected</i>	791 13 after the word <i>for</i> dele <i>the</i>
635	17 last for <i>and</i> read <i>or</i>	791 14 after the word <i>idle</i> dele <i>and</i>
638 L. 9 of p.	for <i>and</i> read <i>or</i>	793 5 for <i>galo</i> read <i>golo</i>
642	7 dele <i>who</i>	793 27 after the word <i>Act</i> dele <i>for</i>
643 S. 4 L. 6 of S.	dele <i>are</i> after <i>and</i>	797 4 at the end of the line for <i>eight</i> read <i>eighth</i>
650	4 14 before the word <i>also</i> insert <i>as</i>	808 34 for <i>from</i> read <i>upon</i>
656	12 3 for <i>on</i> read <i>or</i>	
658	in the title, after the word <i>Act</i> insert <i>for</i>	

by held and required to make any loan to this State, whenever the Legislature shall require, to the amount and on the conditions mentioned in their respective charters.

SEC. 4. *Be it further enacted*, That whenever there shall be a deficiency of the capital stock of any Bank within this State, and they shall thereby become unable to pay their bills in circulation and their deposits, the persons who are stockholders at the time any such Bank shall suspend payment, shall be respectively liable in their private and individual capacities, to pay to any holder of bills of such Bank or to such person as may be a depositor therein, the amount of such bills by him holden, or the amount of such sum as he may have deposited in such Bank to his credit: *Provided however*, That no stockholder shall be liable to pay a sum exceeding the amount of the stock then at the time of such failure actually held by him.

In certain cases stockholders liable to amount of their stock.

This act passed to be enacted in both Houses of the Legislature on the twenty fourth day of June, 1820; and the bill not having been returned by the Governor with his objections thereto, within the period limited by the Constitution, became a law on the thirteenth day of January, 1821.

ASHUR WARE, *Secretary of State.*

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CHAPTER CXLVI.

An Act directing the mode and time of making returns of, and enforcing the right to loans from the several Banks in this State.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That the directors of the several Banks which are or may be incorporated within this State, shall, on the first Monday of January and June in every year, and as much oftener as may be required of them, make a return of the state of their several Banks, as it existed on the day immediately preceding the Monday aforesaid, and that they transmit the same as soon thereafter as may be, not exceeding fifteen days, to the Secretary of this State: which return shall specify the amount of the capital stock actually paid in; the value of the real estate belonging to the corporation; the amount of all debts due, and of the cash deposited; bills in circulation; gold, silver and other coined metals on hand; bills of other Banks in-

Banks to make returns in January and June.

Particulars to be stated,

incorporated by the State; bills of other Banks incorporated elsewhere; bills of one, two and three dollars, in circulation, and the amount of said bills on hand: the rate and amount of the last dividend of profits, with the amount of reserved profits of said Bank; which said return shall be signed by a majority of the directors and by the cashier of the several Banks, who shall make oath or affirmation before some magistrate, qualified to administer oaths, and who shall have no interest in said corporate body, to the truth of said return according to their best knowledge and belief.

under oath.

Penalty for neglect.

SEC. 2. *Be it further enacted*, That in case the directors of any incorporated Bank in this State, shall neglect or refuse to comply with the provisions of this Act, the said corporation shall forfeit and pay the sum of five thousand dollars, for each neglect or refusal, to be sued for and recovered in an action of debt by the Attorney General, for the use of the State.

State treasurer to notify president and cashier, when loan wanted, the amount in writing.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Treasurer of this State, whenever he shall have occasion to borrow any sum of money of any incorporated Bank, under and by virtue of any authority for that purpose, given by any Act or resolve of this State, to give notice in writing to the president or cashier of any such incorporated Bank, of the amount which he has so an occasion to borrow, and demanding of said Bank the loan of the same, conformably to the provisions of the Act incorporating such Bank.

Penalty on bank refusing so to loan.

SEC. 4. *Be it further enacted*, That if any incorporated Bank aforesaid, shall neglect or refuse, for the space of ten days after notice given as aforesaid, to loan to the said Treasurer the sum so demanded, said Bank shall forfeit and pay into the Treasury of this State, the sum of two per cent. per month upon the amount of any sum so demanded, as a loan, as aforesaid; and so after that rate for a shorter or longer time, so long as the said neglect or refusal to comply with such demand of the said Treasurer shall continue.

Treasurer to commence process against bank for the penalty, monthly.

SEC. 5. *Be it further enacted*, That it shall be the duty of the said Treasurer, at the expiration of one month after the said demand shall have been made to cause to be instituted, in any Court of competent jurisdiction, an action in the name and behalf, and for the use of this State against

the Bank so neglecting or refusing as aforesaid, for the recovery of the said penalty; and so at the expiration of every succeeding month thereafter, from month to month, to cause to be instituted a similar action as aforesaid for the amount of the penalty accruing for the neglect and refusal of the then next preceding month, so long as such neglect or refusal shall continue; and it shall also be the duty of the said Treasurer, upon the obtaining judgment and execution on any such action or actions, to cause the amount thereof to be forthwith levied upon the goods, chattels or lands of the Bank against which the same shall have been obtained.

[Approved January 25, 1821.]

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CHAPTER CXLVII.

An Act to restrain unincorporated Banking Associations and for other purposes.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That no person shall subscribe to or become a member of any association, institution or company, or proprietor of any Bank or fund, for the purpose of issuing notes, receiving deposits, making discounts, or transacting any other business which incorporated Banks may or do transact, by force of their respective Acts of incorporation, unless such person shall be authorized by law so to do. And if any person not authorized shall hereafter subscribe, or become a member, or proprietor as aforesaid, he shall forfeit and pay for every such offence, the sum of one thousand dollars, to be recovered by any person who shall sue therefor, in action of debt; one half thereof to his own use, and the other half to the use of this State. And all notes and securities for the payment of money, or delivery of property, made or given to any such association, institution or company, not authorized as aforesaid, shall be null and void.

Penalty for becoming a member of an unincorporated banking association.

Mode of recovery and appropriation.

Notes, &c. payable to such association to be void.

SEC. 2. **BE** it further enacted, That if any person or Bank shall receive, issue or pass any note, bill, order or check, other than the notes or bills of any Bank incorporated in this State, or in the State of New-Hampshire, or Commonwealth of Massachusetts, or by authority of the United

Penalty for issuing, passing or receiving bank bills under 5 dollars, except, &c.